

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** CESWG-PE-RCC  
**FILE NUMBER:** D-16702 (DS1)

**REGULATORY PROJECT MANAGER:** J. Wong **Date:** 8 Mar 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office X (Y/N) **Date:** 8 Mar 05  
 At the project site    (Y/N) **Date:**   

**PROJECT LOCATION INFORMATION:**  
 State: Texas  
 County: Hidalgo  
 Center coordinates of site by latitude & longitudinal coordinates: Lat 26-19-16 Long 97-56-08  
 Approximate size of site/property (including uplands & in acres): 1.0 acres  
 Name of waterway or watershed: North Floodway

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    Or Approved X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No parent waterway in near vicinity.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** CESWG-PE-RCC  
**FILE NUMBER:** D-16702 (DS3)

**REGULATORY PROJECT MANAGER:** J. Wong **Date:** 8 Mar 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office X (Y/N) **Date:** 8 Mar 05  
 At the project site    (Y/N) **Date:**   

**PROJECT LOCATION INFORMATION:**  
 State: Texas  
 County: Hidalgo  
 Center coordinates of site by latitude & longitudinal coordinates: Lat 26-19-13 Long 97-55-47  
 Approximate size of site/property (including uplands & in acres): 1.0 acres  
 Name of waterway or watershed: North Floodway

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    Or Approved X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No parent waterway in near vicinity.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:  
 FILE NUMBER:

CESWG-PE-RCC  
1-4361

REGULATORY PROJECT MANAGER:

J. Wong

Date: 3 Feb 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office X (Y/N)  
 At the project site X (Y/N)

Date: 3 Feb 05  
 Date: 18 Aug 01

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Nueces

Center coordinates of site by latitude & longitudinal coordinates:

Lat 27-23-10 Long 97-23-19

Approximate size of site/property (including uplands & in acres):

0.60 acres

Name of waterway or watershed:

Corpus Christi Bay

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary      Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Also previously determined isolated NWP26.

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**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

Galveston (SWG

D-15829

**REGULATORY PROJECT MANAGER:**

Reagan Richter

**Date:** 05 January 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** Y (Y/N)

**Date:** 01/05/05

**At the project site?** Y

**Date:** 12/07/04 & 12/21/04

**PROJECT LOCATION INFORMATION:**

**State:**

Texas

**County:**

San Patricio

**Center coordinates of site by latitude & longitudinal coordinates:** (NAD 27) N27° 52' 19.6" W97° 13' 43.4"

**Approximate size of site/property (including uplands & in acres):**

38.0 acres

**Name of waterway or watershed:**

North Corpus Christi Bay

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands					X				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

**Preliminary**    **Or** **Approved** X.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD:**

Some wetlands on the subject property are connected to waters of the United States through non-tidal drainage ditches that were excavated through uplands. According to the preamble to 33CFR parts 320 through 330, on page 41217, *Section 328.3: Definitions*, "Non-tidal drainage and irrigation ditches excavated on dry land" are not considered to be waters of the United States. However, the USACE reserves the right on a case-by-case basis to determine that a particular water body within that category (non-tidal drainage ditch excavated from uplands) is a water of the United States. The USACE is unable to establish a historical natural connection to waters of the US or establish other grounds to exert jurisdiction over the wetlands on the property.

The USACE reviewed aerial photographs from 1950, 1961, 1969, 1979, 1989, 1990, 1995, 2002, and 2004, USGS 7.5 minute quadrangles and NWI maps of Port Ingleside, TX & Aransas Pass, TX, FEMA/FIRM maps, and two site visits to make this determination of no jurisdiction.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: SWG

FILE NUMBER: D-16648

REGULATORY PROJECT MANAGER: Rea

Date: 01 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N)  
At the project Site: n(Y/N)

Date: 01 March 2005

PROJECT LOCATION INFORMATION:

State: Texas  
County: Harris  
Center Coordinates of Site by Latitude & Longitude Coordinates: 29.92759;95.44677  
Approximate Size of Site/Property (Including Uplands & in Acres): 32  
Name of Waterway or Watershed: Greens Bayou

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED x  
ADDITIONAL INFORMATION SUPPORTING NJD: No Hydrological connection to any water of the United States



**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston

FILE NUMBER: D-16275

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 3/23/2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project Site        (Y/N)

Date: 3/23/2005

Date:       

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas  
 Harris  
 29° 50' 41"N, 95° 42' 11"W  
 N/A  
 Bear Creek

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXXX
Is or would be used as habitat for endangered species?					XXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary        or Approved XXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Project Area is out of 100-yr Floodplain and no hydrological or nexus connection exist.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16615

REGULATORY PROJECT MANAGER: Hudson

Date: 22 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N)

Date: 22 March 2005 & 4 March 2005

At the project Site: y(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29.5952°N, 95.3869°W

Approximate Size of Site/Property (Including Uplands & in Acres)

43 Acres

Name of Waterway or Watershed

Clear Creek

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands					X				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Wetlands are located outside of the 100-year floodplain, have no direct hydrological surface connection to a water of the U.S. and have no known nexus to interstate commerce.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston

**FILE NUMBER:** D-16873

**REGULATORY PROJECT MANAGER:** Dwayne Johnson

**Date:** 3/27/2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office YES (Y/N)  
 At the Project Site        (Y/N)

**Date:** 3/27/2005

**Date:**                     

**PROJECT LOCATION INFORMATION:**

**State:**  
**County:**  
**Center Coordinates of Site by Latitude & Longitudinal Coordinates:**  
**Approximate Size of Site/Property (Including Uplands & In Acres):**  
**Name of Waterway or Watershed:**

Texas  
Harris  
29° 46' 43"N, 94° 56' 01"W  
1.95-ac  
Cary Bayou

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXXX
Is or would be used as habitat for endangered species?					XXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary        or Approved XXXXXX

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** Project Area is out of 100-yr Floodplain and no hydrological or nexus connection exist.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG

FILE NUMBER: D-16766

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 1/4/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office YES (Y/N)  
 At the Project Site YES (Y/N)

Date: 1/4/2004

Date: \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas  
 Chambers  
 29° 42' 49"N, 94° 55' 15"W  
 N/A  
 Cedar Bayou

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	xxxxxxx								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXX
Is or would be used as habitat for endangered species?					XXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved Xxxxxxx

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET  
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: SWG

FILE NUMBER: D-16309

REGULATORY PROJECT MANAGER: REA

Date: 11 February 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: y(Y/N)

Date: 09 February 2005

At the project Site: (Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29 52' 6"; 95 27' 18"

Approximate Size of Site/Property (Including Uplands & in Acres)

26.0

Name of Waterway or Watershed

Whiteoak Bayou

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY \_ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: Area has no known nexus to interstate commerce, lies outside of the 100-year floodplain

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston

**FILE NUMBER:** D-16749

**REGULATORY PROJECT MANAGER:** Dwayne Johnson

**Date:** 2/24/2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office YES (Y/N)  
 At the Project YES (Y/N)

**Date:** 2/24/2005

**Date:** 12/15/2004

**PROJECT LOCATION INFORMATION:**

**State:**  
**County:**  
**Center Coordinates of Site by Latitude & Longitudinal Coordinates:**  
**Approximate Size of Site/Property (Including Uplands & In Acres):**  
**Name of Waterway or Watershed:**

Texas  
Harris  
29° 36' 14"N, 95° 18' 15"W  
195  
Clear Creek

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type) Dr									
<del>Drainage Ditch/Fish ponds</del>	<del>XXXXX</del>								

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXXX
Is or would be used as habitat for endangered species?					XXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_\_\_\_ or Approved Xxxxxxx

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):** Some wetlands do not sustain a hydrological connection nor in the 100 yr. Floodplain of Clear Creek

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17014

REGULATORY PROJECT MANAGER: Hudson

Date: 7 March 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: (Y/N)

Date: 7 March 2005

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29.9688°N, 95.5658°W

Approximate Size of Site/Property (Including Uplands & in Acres)

37-acre

Name of Waterway or Watershed

Greens Bayou

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY \_ or APPROVED X  
ADDITIONAL INFORMATION SUPPORTING NJD: wetlands located on the 37-acre tract are located outside of the 100-year floodplain of any known water of the United States, have no direct hydrological surface connection with any known water of the United States, have no known nexus to interstate commerce and are isolated

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: GALVESTON

FILE NUMBER: D16622

REGULATORY PROJECT MANAGER: Johnson

PROJECT REVIEW/DETERMINATION COMPLETED: Y (Y/N)  
 At the Project Site (Y/N)

Date: 2/3/2005

Date: 2/3/2005

Date: \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas \_\_\_\_\_

Harris \_\_\_\_\_

29° 58' 59"N, 95° 22' 49"W

118

Harris County Flood Control Ditch

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									XXXXXXX
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXX
Is or would be used as habitat for endangered species?					XXX
Is used to irrigate crops sold in interstate commerce?					XXX

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved XXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): See memo

MEMORANDUM FOR FILE

SUBJECT: D-16622; 118-Acres, Poarch-Swinbank, Harris County, Texas

1. The purpose of this memorandum is to verify a determination of jurisdiction on a 118-Acre tract for Poarch-Swinbank. The subject property is located off of Farrell Road in Houston, Harris County, Texas. SSCI is the environmental consultant that performed the determination.
2. Review of the report's aerial photography indicates no discernable wetland signatures. However the consultant did find some wetlands on the tract. The project site is not located within the 100-yr Floodplain. There is no evidence that any portion of the tract or its wetlands have a hydrological connection to another waterway or nearest ditch. Sheet flow on the tract has to flow over several acres of uplands before reaching a man made watercourse.
3. Based on the consultant's report and information, including site and aerial photos, NWI, USGS and Soil Survey Maps, I concur that if any wetlands exist on the subject site they would no be jurisdictional since they do not sustain a nexus to interstate commerce.



Dwayne Johnson  
Project Manager

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.**  
**ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16981

REGULATORY PROJECT MANAGER: John Davidson  
2005

Date: 23 February

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
 At the project Site: N(Y/N)

Date: 18 February 2005

**PROJECT LOCATION INFORMATION:**

State:  
 County:  
 Center Coordinates of Site by Latitude & Longitude Coordinates  
 Approximate Size of Site/Property (Including Uplands & in Acres)  
 Name of Waterway or Watershed

Texas  
Refugio  
28-5-41.2764 N; 97-13-45.6996 W  
40 acres  
Aransas River

**SITE CONDITIONS:**

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									X
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED  
 ADDITIONAL INFORMATION SUPPORTING NJD: On the 1995 infrared aerial, it appears that wetland signatures are present on the 40-acre tract. The tract is located above the 100-year floodplain and no obvious surface hydrologic connections exist between the potential wetlands and the unnamed tributary to Copano Bay.

D 16981 continued

Therefore, any wetlands that may be present on the tract are isolated with no known nexus to interstate commerce. Therefore, they are not waters of the U.S. and are not subject to Section 404 of the Clean Water Act.

# COPY

## INFORMATION SHEET DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-15192/(01)

REGULATORY PROJECT MANAGER: Weitknecht

Date: 24-Mar-05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y  
At the Project Site N

Date: 24-Mar-05  
Date: \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
County: \_\_\_\_\_  
Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
Name of Waterway or Watershed: \_\_\_\_\_

Texas  
Fort Bend County  
29 41' 31" N, 95 48' 18" W  
980  
Austin-Oyster

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									X
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved X

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

**COPY**

24 March 2005

MEMORANDUM FOR THE FILE

Subject: D-15192/(01); Jurisdictional Determination, Approximate 980 Acre, Sendero North Tracts, Near Flewellen, Fort Bend County, Texas

1. The total project site is 980 acres. Located within the project boundaries there are unknown amount of isolated wetlands. Some of these wetlands extend off of the subject tract, but the majority of them are contained within the project boundary. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system connecting to a navigable water of the United States.
3. No waters of the U.S. are present on the subject tract.



Glenn Weitknecht  
Regulatory Specialist

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16626

REGULATORY PROJECT MANAGER: Glenn Weltknecht

Date: 3-Feb-05

PROJECT REVIEW/DETERMINATION COMPLETED: In the office        y  
 At the Project Site        y

Date: 3-Feb-05

Date: 25-Jan-05

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Teays \_\_\_\_\_  
 Harris \_\_\_\_\_  
 29 34 31N, 95 14 46W \_\_\_\_\_  
 \_\_\_\_\_ 15  
 West Galveston Bay \_\_\_\_\_

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ or Approved X

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

3 February 2005

MEMORANDUM FOR THE FILE

Subject: D-16626; Jurisdictional Determination, Pasadena Independent School District,  
15 Acre Site, Riverstone Ranch, Harris County, Texas

1. The total project site is 15 acres. Located within the project boundaries are  $\approx$ 10 acres of isolated wetlands. These wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no direct surface hydrological connection to a water of the United States.
3. No waters of the U.S. are present on the subject tract.

A handwritten signature in black ink, appearing to read 'Glenn Weitknecht', with a stylized, sweeping flourish at the end.

Glenn Weitknecht  
Regulatory Specialist

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16942

**REGULATORY PROJECT MANAGER:** Glenn Weitknecht

Date: 28-Feb-05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office        y  
 At the Project Site        y

Date: 28-Feb-05

Date: 23-Feb-05

**PROJECT LOCATION INFORMATION:**

State: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: \_\_\_\_\_  
 Approximate Size of Site/Property (Including Uplands & In Acres): \_\_\_\_\_  
 Name of Waterway or Watershed: \_\_\_\_\_

Texas  
 Galveston  
 29 24' 13" N, 94 55' 26" W  
 15 acres  
 West Galveston Bay

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_\_\_\_ or Approved X

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-16942; Jurisdictional Determination, Northside Elementary Tract, City of Texas City, Galveston County, Texas

1. The total project site is  $\approx$  15 acres. Located within the project boundaries are  $\approx$  6 or 7 acres of isolated wetlands. None of these wetlands extend off of the subject tract. The proposed project is to construct a single family residential subdivision on the site which would mean raising the entire site three to four feet.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
3. No waters of the U.S. are present on the subject tract.

A handwritten signature in black ink, appearing to read 'Glenn Weitknecht', with a stylized flourish at the end.

Glenn Weitknecht  
Regulatory Specialist

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER:** D-16617

**REGULATORY PROJECT MANAGER:** Glenn Weltknecht

**Date:** 25-Feb-05

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office        y  
 At the Project Site        y

**Date:** 25-Feb-05  
**Date:** 23-Feb-05

**PROJECT LOCATION INFORMATION:**

**State:**  
**County:**  
**Center Coordinates of Site by Latitude & Longitudinal Coordinates:**  
**Approximate Size of Site/Property (Including Uplands & In Acres):**  
**Name of Waterway or Watershed:**

Texas  
Galveston  
29 24' 48" N, 94 54' 42" W  
71 acres  
Galveston West Bay

**SITE CONDITIONS:**

Type of Aquatic Resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands			X						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary        or Approved X

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):**

13 May 2005

MEMORANDUM FOR THE FILE

Subject: D-16617; Jurisdictional Determination, 71-Acre Tract, Pelican Harbour  
Subdivision, City of Texas City, Galveston County, Texas

1. The total project site is 71 acres. Located within the project boundaries are between 3 and 5 acres of isolated wetlands. Some of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and are not part of a surface tributary system.
3. No waters of the U.S. are present on the subject tract.

A handwritten signature in black ink, appearing to read 'Glenn Weitknecht', with a long horizontal flourish extending to the right.

Glenn Weitknecht  
Regulatory Specialist

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG  
 FILE NUMBER: D-13463(02)

REGULATORY PROJECT MANAGER: Andrew Williams Date: 13 January 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 13 January 2005  
 At the project site N (Y/N) Date: NA

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: Galveston  
 Center coordinates of site by latitude & longitudinal coordinates: 29 42 23 N, 95 42 46 W (NAD27)  
 Approximate size of site/property (including uplands & in acres): 10.5 acres  
 Name of waterway or watershed: Austin Oyster

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary    Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-13463

Determination of No Jurisdiction

Additional Information Supporting NJD

1. There is 1 isolated wetland located within the project boundary. The total isolated wetland acreage is approximately 2.5 acres and is located completely within project area.
2. This wetland is located completely outside of the 100-year floodzone. Based on the desk review, there were no obvious surface hydrological connections from it to any water of the United States.
3. No other waters of the United States, including adjacent wetlands are located on the site. This is an approved jurisdictional determination.

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** CESWG  
**FILE NUMBER:** D-14497

**REGULATORY PROJECT MANAGER:** Andrew Williams **Date:** 20 January 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office N (Y/N) **Date:** \_\_\_\_\_  
 At the project site Y (Y/N) **Date:** 03 April 2003

**PROJECT LOCATION INFORMATION:**

State: Texas  
 County: Brazoria  
 Center coordinates of site by latitude & longitudinal coordinates: 29 31' 37" N, 95 23' 10" W (NAD27)  
 Approximate size of site/property (including uplands & in acres): 112 acres  
 Name of waterway or watershed: Mustang Bayou

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary    Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

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Determination of No Jurisdiction

Additional Information Supporting NJD

1. There are approximately 8 isolated wetlands located within the project boundary. The total isolated wetland acreage is approximately 27.5 acres (rough estimate) with approximately 4.5 acres (rough estimate) of these isolated wetlands located within project area.
2. These 8 isolated wetlands are located completely outside of the 100-year floodzone. Based on the desk review and site visit, there were no obvious surface hydrological connections from them to any water of the United States.
3. Approximately 1 acre (rough estimate) of wetlands adjacent to Mustang Bayou or Cowart Creek is located on the site. This is an approved jurisdictional determination.

INFORMATION SHEET  
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING  
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.  
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16653

REGULATORY PROJECT MANAGER: Hoth

Date: 27 October 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)  
At the project Site: (Y/N)

Date: 10 January 2005

PROJECT LOCATION INFORMATION:

State:

County:

Center Coordinates of Site by Latitude & Longitude Coordinates

Approximate Size of Site/Property (Including Uplands & in Acres)

Name of Waterway or Watershed

TX

Galveston

29° 31' 42"N, 95° 01' 16"W

57

Clear Creek/Galveston Bay

SITE CONDITIONS:

Type of Aquatic Resources <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									X
Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

<sup>1</sup> Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>2</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not able to Make Determination
Is or would be used as habitat by birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce					X

<sup>2</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED     
ADDITIONAL INFORMATION SUPPORTING NJD: The project site is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not appear to have a surface hydrologic connection to a water of the United States. Therefore, the wetlands within the project area are isolated with no known nexus to interstate commerce. As such, no waters of the United States, including adjacent wetlands are present within the

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project site. Working or discharging dredged or fill material within the project site is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899 and will not require a Department of the Army permit.

